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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,240

11/14/2003

Kirby Williams Reese

18244-108780

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05/26/2006

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EXAMINER

ADDIE, RAYMOND W

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,240	<b>Applicant(s)</b> REESE, KIRBY WILLIAMS	
	<b>Examiner</b> Raymond W. Addie	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 45 is objected to because of the following informalities: The preamble of the claim recites "A method comprising the steps of:". But does not recite what type of method it is. Hence, the method being claimed is vague. Is this a method of forming a road, perhaps a method of stabilizing soil? Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-32, 34-41, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papetti # 4,726,708 in view of Taguchi et al. # 5,200,261.

Papetti discloses a temporary road and method of making comprising:

A support layer having a top surface comprising:

A plurality of metal-wire, mattress-type, gabion containers (1), each having a plurality of compartments (10).

A ballast material (16) for substantially filling said compartments.

A traffic layer (3) supported by said top surface, and comprising a plurality of interlockable, metal panels, removably placed onto said top surface.

See fig. 5; Col. 1, Ins. 8-14; Col. 2, ln. 64-Col. 3.

What Papetti does not disclose is the type of ballast material being used.

However, Taguchi et al. teaches it is known to use expanded polystyrene foam, having a fabric wrapper of polypropylene, to form a pontoon bridge and "other civil engineering materials". Such that "fiber reinforced foamed materials...are useful in fields in which impacts and other dynamic forces which could never be sustained by known materials, are expected to be applied. Wherein the "foamed product exhibits high shape maintaining characteristics and dimensional stability".

Therefore, it would have been obvious to one of ordinary skill in the art, to provide the temporary road of Papetti, with a fabric wrapped, foamed, polystyrene ballast material, as taught by Taguchi et al., in order to form a pontoon bridge or the like, capable of accommodating construction machinery. See Taguchi et al., Col. 1, Ins. 8-16; col. 3, ln. 67-col. 4, ln. 20; col. 5, ln. 67-col. 6, ln. 6.

In regards to claims 45-46 Papetti discloses a method comprising the steps of:

Providing a plurality of multi-compartment wire mesh gabions (1).

providing a plurality of movable panels (3).

Providing a filler material inside said compartments, substantially filling said gabions.

Assembling said gabions to form a support layer having a stop surface.

Placing a plurality of removable panels (3) onto said top surface to form a traffic layer so that said support layer and said traffic layer interact to form at least one of a portable roadway and a portable platform to support vehicular traffic.

What Papetti does not disclose is the type of filler material used. However, Taguchi et al. teaches it is known to use a polystyrene foam encased in a fabric wrapper, as a filler material for pontoon type bridges. Therefore, it would have been obvious to one of ordinary skill, in the art, at the time the invention was made to provide the method of Papetti, with the step of providing a foamed filler material encased in a fabric wrapper, as taught by Taguchi et al., in order to form a roadway over soft soil or water.

3. Claims 33, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papetti # 4,726,708 in view of Taguchi et al. # 5,200,261 as applied to claims 27, 36 above, and further in view of Ragazzo # 5,636,938.

Papetti in view of Taguchi et al., disclose essentially all that is claimed, except for the use of PVC coated gabions. However, Ragazzo teaches it is known that

"Gabions may be made of steel wire (of square, rectangular, hexagonal or other shaped mesh. Different types of wire include galvanized steel, PVC coated, galfan steel and stainless steel wire".

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to make the gabion containers of Papetti in view of Taguchi et al., from PVC coated metal mesh, as taught by Ragazzo, in order to reduce corrosion and failure of the gabion system. See Col. 1.

***Response to Amendment***

4. Applicant's amendment to the claims canceling all prior pending claims, in favor of new claims 27-46 is acknowledged.

***Response to Arguments***

5. Applicant's arguments with respect to claims 27-46 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

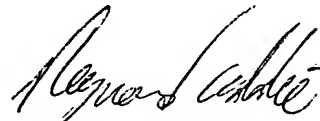
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. GB 2221941 A discloses gabion type containers can be made from plastic or steel mesh.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Raymond Addie**  
**Primary Examiner**  
**Group 3600**

**5/22/06**